



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/392,585	09/09/1999	THIERRY DESLANDES	Q055716	1444

7590 10/30/2002

SUGHRUE MION ZINN MACPEAK & SEAS
2100 PENNSYLVANIA AVENUE NW
SUITE 800
WASHINGTON, DC 200373202

EXAMINER

VAUGHN JR, WILLIAM C

ART UNIT	PAPER NUMBER
2142	21

DATE MAILED: 10/30/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/392,585	DESLANDES ET AL.
	Examiner William C. Vaughn, Jr.	Art Unit 2452 2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 27 July 2002.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-12 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-12 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. _____.
- Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s). _____.

2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) Other: _____

DETAILED ACTION

1. This Action is in response to the Supplemental Amendment and Response received 27 July 2002.
2. Amendment D, Paper 19, received 2 July 2002 had been entered into record.

Response to Arguments

3. Applicant's arguments and amendments filed on 27 July 2002 have been carefully considered but they are not deemed fully persuasive. Applicant's arguments are deemed moot in view of the following new grounds of rejection as explained here below, necessitated by Applicant's substantial amendment to the claims (i.e., *and at least one of the franking machines being in communication with the public communications network...in accordance with a protocol of communication...from which the isolated franking machine is independent...for each one of the plurality of franking machines ...management server.*) which significantly affected the scope thereof.

4. The application has been examined. **Original claims 1-12** are pending. The objections and rejections cited are as stated below:

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 1 and 4-12** are rejected under 35 U.S.C. 103(a) as being unpatentable over Le Carpentier, U.S. Patent No. 4,752,950 in view of Kim et al. (Kim), U.S. Patent No. 5,224,046.

7. Regarding **claim 1**, Le Carpentier discloses the invention substantially as claimed. Le Carpentier discloses *a process for monitoring the consumption of a plurality of franking machines* [see Le Carpentier, item 1] *through a public communication network* [see Le Carpentier, Figure 1, item 3, Abstract, Col. 1, lines 54-67, Col. 2, lines 1-2], and at least one of the franking machines being in communication with the public communications network [see Le Carpentier, Col. 2, lines 25-66] *the process comprising the steps of: first establishing a link with a management server through the public communications network in accordance with a protocol of communication, via at least one supervision terminal* (item 4), [see Le Carpentier, Col. 8, lines 27-35]. However, Le Carpentier does not explicitly disclose at least one of the franking machines being electrically isolated from the public network as well as via at least one supervision terminal from which the isolated franking machine is independent and subsequently proceeding with an exchange of data between the supervision terminal and the management server during which a user (1) acquires at the supervision terminal current invoicing index indicative of the isolated franking machine and (2) receives a code of authorization to frank in order to validate the subsequent franking of the isolated franking machine and displaying, at the supervision terminal (1) a list of the plurality of franking machines, and (2) for each one of the plurality of franking machines, a last invoicing index validated by the management server.

8. In the same field of endeavor, Kim discloses (e.g., a system for recharging a plurality of postage meters). Kim discloses *at least one of the franking machines being electrically isolated from the public network as well as via at least one supervision terminal from which the isolated franking machine is independent and subsequently proceeding with an exchange of data between the supervision terminal and the management server during which a user (1) acquires at the*

supervision terminal current invoicing index indicative of the isolated franking machine and (2) receives a code of authorization to frank in order to validate the subsequent franking of the isolated franking machine (Kim teaches that if a meter is selected, the system determines if the selected meter is connected through network controller. If the selected meter is not connected then the system displays a request for manual input of the access code and waits for input. Once the access code is obtained it is entered at step 154 and at 156, request for the recharge amount is displayed and system 10a waits), [see Kim, Col. 5, lines 46-67, Col. 6, lines 1-67, Col. 7, lines 1-67, Col. 8, lines 1-66] *and displaying, at the supervision terminal (1) a list of the plurality of franking machines, and (2) for each one of the plurality of franking machines, a last invoicing index validated by the management server* [see Kim, Col. 3, lines 14-40, Col. 5, lines 8-29].

9. Accordingly, it would have been obvious to one of ordinary skill in the networking at the time the invention was made to have incorporated Kim's teachings of a system for recharging a plurality of postage meters with the teachings of Le Carpentier, for the purpose of providing a system that is compatible with existing postage meters, such as those connected or not connected to a system. By this rationale **claim 1** is rejected.

10. Regarding **claim 4**, Le Carpentier further discloses *wherein said step of exchange further comprises the user entering into the supervision terminal all identifier including at least one of a password and a personal identification number* [see Kim, Col. 5, lines 8-10]. By this rationale **claim 4** is rejected.

11. Regarding **claim 5**, Le Carpentier further discloses *wherein said step of data exchange further comprises displaying, at the supervision terminal (1) a list of printing heads associated with the plurality of franking machines* [see Le Carpentier, Col. 4, lines 25-34] *and (2) for each*

printing head, a last invoicing index validated by the management server [see Le Carpentier, Col. 4, lines 40-49]. By this rationale **claim 5** is rejected.

12. Regarding **claim 6**, Le Carpentier-Kim further discloses *wherein said step of data exchange further comprises displaying, at the supervision terminal, one of a selectable plurality of tables and statistics in graph form relating to the list of printing heads* [see rejection of claim 5, *supra*]. By this rationale **claim 6** is rejected.

13. Regarding **claim 7**, Le Carpentier-Kim further discloses *wherein the code of authorization to frank comprises information indicative of (1) an authorized maximum amount of credit, [see Kim, Col. 8, lines 53-67] (2) an authorized maximum amount of consumption [see Kim, Col. 8, lines 53-67], (3) a period of franking* [see Kim, Col. 5, lines 58-67]. By this rationale **claim 7** is rejected.

14. Regarding **claim 8**, Le Carpentier-Kim further discloses *wherein the code of authorization to frank is obtained by calculation from one of the current invoicing index and a serial number of a printing head* [see Le Carpentier, Col. 4, lines 41-49]. By this rationale **claim 8** is rejected.

15. Regarding **claim 9**, Le Carpentier-Kim further discloses *wherein the code of authorization to frank is obtained by calculation from a current data* [see rejection of claim 1, *supra*]. By this rationale **claim 9** is rejected.

16. Regarding **claim 10**, Le Carpentier-Kim further discloses *wherein the code of authorization to frank is obtained by calculation from information indicative of (1) a maximum amount of credit, (2) a maximum amount of authorized consumption, and (3) an authorized period of franking* [rejection of claim 7, *supra*]. By this rationale **claim 10** is rejected.

17. Regarding **claim 11**, Le Carpentier-Kim further discloses *wherein the protocol of communication used, for establishing a link the management server is a protocol of telephonic communication of a vocal synthesis* [see rejection of claim 1]. By this rationale **claim 11** is rejected.

18. **Claim 12** is substantially the same as claim 1, and is thus rejected based upon similar reasons as those in rejecting claim 1.

Claim Rejections - 35 USC § 103

19. **Claims 2 and 3** are rejected under 35 U.S.C. 103(a) as being unpatentable over Le Carpentier-Kim as applied to **claims 1, 4, 7-12** above, and further in view of what was well known to the ordinary artisan in the art at the time the invention was made (and is further evidenced by Gerszberg et al., U.S. Patent No. 6,359,881).

20. Regarding **claim 2**, Le Carpentier-Kim further suggests the use of protocols [see Le Carpentier, Col. 5, lines 54-59]. However, Le Carpentier-Kim is silent on the detail teachings of *wherein the protocol of communication used for establishing a link with the management server is a Videotex protocol, such as a teletel protocol* (The Examiner takes Official Notice that it was well known and widely implemented in the networking art at the time the invention was made to utilize a videotex protocol such as minitel or teletel, since it is a one standard used in online meter bill collecting as well as other bill paying protocols. The Examiner further notes that prior art of record Gerszberg et al., U.S. Patent No. 6,359,881, at Figures 11 and 13, Col. 8, lines 53-67, Col. 9, lines 1-16, Col. 12, lines 57-65 which evidences the Examiner's assertion. By this rationale **claim 2** is rejected.

21. Regarding **claim 3**, Le Carpentier-Kim further suggests the use of a protocol [see Le Carpentier, Col. 5, lines 54-59]. However, Le Carpentier-Kim is silent on the detail teachings of *wherein the protocol of communication used for establishing a link with the management server is a protocol of TCP/IP type* (The Examiner takes Official Notice that it was well known and widely implemented in the networking art at the time the invention was made to provide for different communication protocols to be used in order for system to connect or establish a link to another system (such as Kermit protocol, TCP/IP, ISDN). A telephone network such as the one used by Le Carpentier for transmitting data between franking machines and the central station to communicate with one another, was used by one of ordinary skill in the networking art at the time the invention was made to utilize the known protocol standards of communication between different device. The Examiner further notes that prior art of record Gerszberg et al., U.S. Patent No. 6,359,881, at Figures 11 and 13, Col. 8, lines 53-67, Col. 9, lines 1-16, Col. 12, lines 57-65, which evidences the Examiner's assertion. By this rationale **claim 3** is rejected.

Response to Arguments

22. Applicant's argument include the failure of the previously applied art to expressly disclose "isolated franking machine being independent of the supervision terminal as well as displaying a list of the plurality of franking machines, and, for each one of the plurality of franking machines, a last invoicing index validated by the management server" [see Applicant's response, Paper 19D, page 6). It is evident from the detailed mappings found in the above rejection that Le Carpentier-Kim, clearly disclose this functionality. Further, it is clear from numerous teachings (previously and currently cited) that the provision for an "isolated franking

machine being independent of the supervision terminal as well as displaying a list of the plurality of franking machines, and, for each one of the plurality of franking machines, a last invoicing index validated by the management server”, is clearly taught. Thus, Applicant’s arguments drawn toward distinction of the claimed invention and the prior art teachings on this point are not persuasive. It is also clear to the Examiner that Kim clearly teaches the independent claims of Applicant’s claimed invention.

Conclusion

23. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

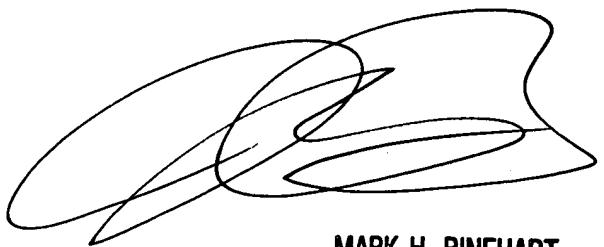
24. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William C. Vaughn, Jr. whose telephone number is (703) 306-9129. The examiner can normally be reached on 8:00-5:00, 1st Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Rinehart can be reached on (703) 305-4815. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9700.

WCV

**Patent Examiner
Art Unit 2142
October 21, 2002**



**MARK H. RINEHART
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100**